

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIE STOKES	:	CIVIL ACTION
	:	
v.	:	
	:	
MARIROSA LAMAS, Superintendent,	:	
SCI Chester, OFFICE OF THE DISTRICT	:	
ATTORNEY OF PHILADELPHIA	:	
COUNTY and OFFICE OF THE	:	
ATTORNEY GENERAL OF THE	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. 20-2192

ORDER

NOW, this 30th day of December, 2021, upon consideration of petitioner's successive *habeas* petition (Doc. No. 2), the respondents' response, the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 28), and respondents having no objection to the Report and Recommendation (Doc. No. 29), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Carol Sandra Moore Wells is **APPROVED** and **ADOPTED**.

2. The successive petition for writ of *habeas corpus* is **CONDITIONALLY GRANTED**.

3. Petitioner's conviction and sentence in *Commonwealth v. Stokes*, No. CP-51-CR-0606661-1984 (Phila. Cnty. C.C.P. Aug. 21, 1984) are **VACATED**.

4. The Commonwealth of Pennsylvania may retry petitioner within 120 days of the date of this Order.

5. The time limit within which the Commonwealth may retry the petitioner may be extended by agreement of the parties or upon a showing of reasonable cause.

/s/ TIMOTHY J. SAVAGE J.